

preceding fiscal year under this subsection, section 3(d)(2)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress), or section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)); by (B) the number of students described in section 8003(d)(1)(B) of such Act in average daily attendance in the second preceding fiscal year; and

(2) the number of such students in average daily attendance of each local educational agency in the fiscal year preceding the fiscal year in which the payment is being made.

(d) HEAVILY IMPACTED ASSISTANCE.—(1) Each local educational agency described in subsection (a) shall also be eligible for heavily impacted assistance if—

(A) the local educational agency—
(i) had an enrollment of students described in subparagraphs (B) and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) during the previous fiscal year, the number of which constituted at least 40 percent of the total student enrollment of such agency; and

(ii) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable educational agencies in the State; or
(B) the local educational agency—

(i) had an enrollment of students described in subparagraphs (B) and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) during the previous fiscal year, the number of which constituted at least 35 percent of the total student enrollment of such agency; and

(ii) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable educational agencies in the State.

(2)(A) For each local educational agency described in paragraph (1), payments for each year shall be computed by first determining the greater of—

(i) the average per-pupil expenditure of the State in which the agency is located; or

(ii) the average per-pupil expenditure of all the States.

(B) The Secretary shall next subtract from the amount determined under subparagraph (A) the average amount of State aid per pupil received for that year by each local educational agency described in paragraph (1).

(C) For each local educational agency described in paragraph (1), the Secretary shall multiply the amount determined under subparagraph (B) by the total number of students described in subparagraphs (B) and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) in average daily attendance for that year.

(D) Finally, the Secretary shall reduce the amount determined under subparagraph (C) for a local educational agency for a fiscal year by the total amount of—

(i) all payments the local educational agency receives under subsections (b) and (c) for that year; and

(ii) any payments actually received under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for that year.

(3) Notwithstanding any other provision of this section, a local educational agency that actually receives funds under section 8003(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)) for a fiscal year shall be eligible to receive funds under this subsection only after the full amount computed under paragraph (2) has been paid to all local educational agencies described in paragraph (1) that do not receive funds under such section for that fiscal year.

(4) For purposes of providing assistance under this subsection, the Secretary shall

use student and revenue data from the local educational agency for the fiscal year for which the agency is applying for assistance.

(5) For purposes of this subsection, the Secretary shall determine the current year State average per-pupil expenditure by increasing or decreasing the per-pupil expenditure data for the second preceding fiscal year by the same percentage increase or decrease reflected between the per-pupil expenditure data for the fourth preceding fiscal year and the per-pupil expenditure data for the second preceding fiscal year.

(6) For purposes of this subsection, the term "average per-pupil expenditure" means the aggregate current expenditures of all local educational agencies in the State, divided by the total number of children in average daily attendance for whom such agencies provided free public education.

(e) PROHIBITION ON MULTIPLE PAYMENTS.—(1) Amounts received by a local educational agency under subsection (d) in a fiscal year, when added to amounts actually received under section 8003(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)) for that year, may not exceed the amount the agency would have received under such section had assistance under such section been fully funded.

(2) Amounts received by a local educational agency under subsection (c) in a fiscal year, when added to amounts actually received under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)) for that year, may not exceed the amount the agency would have received under such section had assistance under such section been fully funded.

(3) Amounts received by a local educational agency under subsection (b) in a fiscal year, when added to amounts actually received under section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) for that year, may not exceed the amount the agency would have received under such section had assistance under such section been fully funded.

(f) PRORATION OF AMOUNTS.—If necessary due to insufficient funds to carry out this section, the Secretary shall ratably reduce payments under subsections (b), (c), and (d).

(g) COOPERATION.—The Secretary of Education shall assist the Secretary of Defense in gathering such information from the local education agencies and State educational agencies as may be needed in order to carry out this section.

(h) FUNDS FOR FISCAL YEAR 1996.—The amount provided in section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$100,000,000. Of the funds corresponding to such increase—

(1) \$50,000,000 shall be available for payments under subsection (b) in fiscal year 1996;

(2) \$10,000,000 shall be available for payments under subsection (c) in fiscal year 1996; and

(3) \$40,000,000 shall be available for payments under subsection (d) in fiscal year 1996.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,
Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that the yeas had it.

Mr. DELLUMS demanded a recorded vote on the said motion to recommit, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the
negative { Yeas 188
Nays 239

§80.12

[Roll No. 384]

AYES—188

Abercrombie	Geren	Owens
Ackerman	Gibbons	Pallone
Andrews	Gonzalez	Pastor
Baessler	Gordon	Payne (NJ)
Baldacci	Green	Payne (VA)
Barcia	Gutierrez	Pelosi
Barrett (WI)	Hall (OH)	Peterson (FL)
Becerra	Hamilton	Peterson (MN)
Beilenson	Harman	Pickett
Bentsen	Hastings (FL)	Pomeroy
Berman	Hefner	Porter
Bishop	Hilliard	Poshard
Bonior	Hinchey	Rahall
Borski	Holden	Rangel
Boucher	Hoyer	Reed
Brewster	Jackson-Lee	Reynolds
Browder	Jacobs	Richardson
Brown (CA)	Jefferson	Rivers
Brown (FL)	Johnson (SD)	Roemer
Brown (OH)	Johnson, E. B.	Rose
Bryant (TX)	Johnston	Roybal-Allard
Cardin	Kaptur	Rush
Christensen	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Sawyer
Clement	Kildee	Schroeder
Clyburn	Klink	Schumer
Coleman	LaFalce	Scott
Collins (IL)	Lantos	Serrano
Collins (MI)	Levin	Sisisky
Condit	Lewis (GA)	Skaggs
Conyers	Lincoln	Skelton
Costello	Lipinski	Slaughter
Coyne	Lofgren	Spratt
Cramer	Lowe	Stark
Danner	Luther	Stenholm
de la Garza	Maloney	Stokes
DeFazio	Manton	Studds
DeLauro	Markey	Stupak
Dellums	Martinez	Tanner
Deutsch	Matsui	Taylor (MS)
Dicks	McCarthy	Tejeda
Dingell	McDermott	Thompson
Dixon	McHale	Thurman
Doggett	McKinney	Torres
Dooley	Meehan	Torricelli
Durbin	Meek	Towns
Edwards	Menendez	Trafigant
Engel	Mfume	Tucker
Eshoo	Miller (CA)	Velazquez
Evans	Mineta	Vento
Farr	Minge	Visclosky
Fattah	Mink	Volkmer
Fazio	Moakley	Ward
Fields (LA)	Montgomery	Waters
Filner	Moran	Watt (NC)
Foglietta	Nadler	Waxman
Ford	Neal	Williams
Frank (MA)	Oberstar	Wise
Frost	Obey	Woolsey
Furse	Olver	Wyden
Gejdenson	Ortiz	Wynn
Gephardt	Orton	

NOES—239

Allard	Bunning	Deal
Archer	Burr	DeLay
Armey	Burton	Diaz-Balart
Bachus	Buyer	Doolittle
Baker (CA)	Callahan	Dornan
Baker (LA)	Calvert	Doyle
Ballenger	Camp	Dreier
Barr	Canady	Duncan
Barrett (NE)	Castle	Dunn
Bartlett	Chabot	Ehlers
Barton	Chambliss	Ehrlich
Bass	Chenoweth	Emerson
Bateman	Chrysler	English
Bereuter	Clinger	Ensign
Bevill	Coble	Everett
Bilbray	Coburn	Ewing
Bilirakis	Collins (GA)	Fawell
Bliley	Combest	Fields (TX)
Blute	Cooley	Flanagan
Boehlert	Cox	Foley
Boehner	Crane	Forbes
Bonilla	Crapo	Fowler
Bono	Creameans	Fox
Brownback	Cubin	Franks (CT)
Bryant (TN)	Cunningham	Franks (NJ)
Bunn	Davis	Frelinghuysen

Frisa	Lazio	Roth	Chambliss	Heineman	Parker	Hilliard	Mineta	Sanders
Funderburk	Leach	Roukema	Chenoweth	Herger	Pastor	Hinchey	Minge	Schroeder
Galleghy	Lewis (CA)	Royce	Christensen	Hilleary	Paxon	Jacobs	Moakley	Schumer
Ganske	Lewis (KY)	Salmon	Chrysler	Hobson	Payne (VA)	Johnson (SD)	Morella	Sensenbrenner
Gekas	Lightfoot	Sanford	Clement	Hoekstra	Peterson (FL)	Johnston	Nadler	Serrano
Gilchrist	Linder	Saxton	Hoke	Pickett	Kanjorski	Neal	Shays	Skaggs
Gillmor	Livingston	Scarborough	Coble	Holden	Kennedy (MA)	Oberstar	Obey	Slaughter
Gilman	LoBiondo	Schaefer	Coburn	Horn	Klink	Oliver	Petri	Stark
Goodlatte	Longley	Schiff	Coleman	Hostettler	Klug	LaFalce	Owens	Stokes
Goodling	Lucas	Seastrand	Collins (GA)	Houghton	Levin	Pallone	Payne (NJ)	Studds
Goss	Manzullo	Sensenbrenner	Combest	Hoyer	Lewis (GA)	Pelosi	Reed	Thompson
Graham	Martini	Shadeegg	Condit	Hunter	Quillen	Radanovich	Rangel	Torricelli
Greenwood	Mascara	Shaw	Cooley	Hutchinson	Quinn	Regula	Reed	Towns
Gunderson	McCollum	Shays	Costello	Hyde	Richardson	Ros-Lehtinen	Reynolds	Watt (NC)
Gutknecht	McCrery	Shuster	Cox	Inglis	Riggs	Rivers	Roemer	Williams
Hall (TX)	McDade	Skeen	Cramer	Istook	Roberts	McDermott	Roth	Wise
Hancock	McHugh	Smith (MI)	Crane	Jackson-Lee	Rogers	McKinney	Roukema	Woolsey
Hansen	McInnis	Smith (NJ)	Crapo	Jefferson	Rohrabacher	Meehan	Roybal-Allard	Wyden
Hastert	McIntosh	Smith (TX)	Creameans	Johnson (CT)	Ros-Lehtinen	Menendez	Rush	Wynn
Hastings (WA)	McKeon	Smith (WA)	Cubin	Johnson, E. B.	Rose	Miller (CA)	Sabo	Zimmer
Hayes	Metcalf	Solomon	Cunningham	Johnson, Sam	Royce			
Hayworth	Meyers	Souder	Davis	Jones	Salmon			
Hefley	Mica	Spence	de la Garza	Kaptur	Sanford			
Heineman	Miller (FL)	Stearns	Deal	Kasich	Sawyer			
Herger	Molinari	Stockman	DeLauro	Kelly	Saxton			
Hilleary	Mollohan	Stump	DeLay	Kennedy (RI)	Scarborough			
Hobson	Moorhead	Talent	Diaz-Balart	Kennelly	Schaefer			
Hoekstra	Morella	Tate	Dicks	Kildee	Schiff			
Hoke	Murtha	Tauzin	Dixon	Kim	Scott			
Horn	Myers	Taylor (NC)	Dooley	King	Seastrand			
Hostettler	Myrick	Thomas	Doolittle	Kingston	Shadeegg			
Houghton	Nethercutt	Thornberry	Dornan	Knollenberg	Shaw			
Hunter	Neumann	Tiahrt	Dreier	Kolbe	Shuster			
Hutchinson	Ney	Torkildsen	Dunn	LaHood	Sisisky			
Hyde	Norwood	Upton	Edwards	Lantos	Skeen			
Inglis	Nussle	Vucanovich	Ehlers	Largent	Skelton			
Istook	Oxley	Waldholtz	Ehrlich	Latham	Smith (MI)			
Johnson (CT)	Packard	Walker	Emerson	LaTourette	Smith (NJ)			
Johnson, Sam	Parker	Walsh	Ensign	Laughlin	Smith (TX)			
Jones	Paxon	Wamp	Everett	Lazio	Smith (WA)			
Kanjorski	Petri	Watts (OK)	Ewing	Leach	Solomon			
Kasich	Pombo	Weldon (FL)	Fawell	Lewis (CA)	Souder			
Kelly	Portman	Weldon (PA)	Fazio	Lewis (KY)	Spence			
Kim	Pryce	Weller	Fields (TX)	Lightfoot	Spratt			
King	Quillen	White	Flanagan	Linder	Stearns			
Kingston	Quinn	Whitfield	Foley	Lipinski	Stenholm			
Klug	Radanovich	Wicker	Forbes	Livingston	Stockman			
Knollenberg	Ramstad	Wilson	Fowler	LoBiondo	Stump			
Kolbe	Regula	Wolf	Fox	Lucas	Talent			
LaHood	Riggs	Young (AK)	Franks (CT)	Manton	Tanner			
Largent	Roberts	Young (FL)	Frelinghuysen	Manzullo	Tate			
Latham	Rogers	Zeliff	Frisa	Matsui	Tauzin			
LaTourette	Rohrabacher	Zimmer	Frost	McCollum	Taylor (MS)			
Laughlin	Ros-Lehtinen		Funderburk	McCrery	Taylor (NC)			

NOT VOTING—7

Chapman	Klecza	Yates
Dickey	McNulty	
Flake	Thornton	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that the yeas had it.

Mr. WELDON of Pennsylvania demanded a recorded vote on passage of said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 300
Nays 126

¶80.13 [Roll No. 385]
AYES—300

Abercrombie	Barton	Brewster
Ackerman	Bass	Browder
Allard	Bateman	Brown (FL)
Andrews	Bentsen	Brownback
Archer	Bereuter	Bryant (TN)
Armey	Bevill	Bunn
Bachus	Bilbray	Bunning
Baessler	Billakis	Burr
Baker (CA)	Bishop	Burton
Baker (LA)	Bliley	Buyer
Baldacci	Blute	Callahan
Ballenger	Boehlert	Calvert
Barcia	Boehner	Camp
Barr	Bonilla	Canady
Barrett (NE)	Bono	Castle
Bartlett	Boucher	Chabot

Barrett (WI)	Collins (MI)	Evans
Becerra	Coyne	Farr
Beilenson	Danner	Fattah
Berman	DeFazio	Fields (LA)
Bonior	Dellums	Filner
Borski	Deutsch	Foglietta
Brown (CA)	Dingell	Ford
Brown (OH)	Doggett	Frank (MA)
Bryant (TX)	Doyle	Franks (NJ)
Cardin	Duncan	Furse
Clay	Durbin	Ganske
Clayton	Engel	Gunderson
Clyburn	English	Gutierrez
Collins (IL)	Eshoo	Hastings (FL)

NOES—126

NOT VOTING—8

Chapman	Flake	Thornton
Conyers	Klecza	Yates
Dickey	McNulty	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶80.14 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. SPENCE, by unanimous consent,

Ordered. That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, cross references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

¶80.15 PROVIDING FOR THE
CONSIDERATION OF H.R. 1817

Mr. QUILLEN, by direction of the Committee on Rules, reported (Rept. No. 104-140) the resolution (H. Res. 167) providing for the consideration of the bill (H.R. 1817) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶80.16 PERMISSION TO FILE REPORT

On motion of Mr. CALLAHAN, the Committee on Appropriations was granted permission until midnight tonight to file a privileged report (Rept. No. 104-143) on the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

Pursuant to clause 8, rule XXI, all points of order were reserved.

¶80.17 LEGISLATIVE BRANCH, FY 1996

Mr. PACKARD submitted a privileged report (Rept. No. 104-141) on the bill (H.R. 1854) making appropriations for the Legislative Branch for the fis-